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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 20-71109-MAG
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME FROM
)	AUGUST 28, 2020 THROUGH SEPTEMBER 11,
v.)	2020; [PROPOSED] ORDER
)	
ALEJANDRO DORADO,)	
)	
Defendant.)	
)	
)	

On August 28, 2020, the Court conducted a detention hearing for Alejandro Dorado, who stands charged by Complaint with possession with intent to distribute or distribution of methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii). The Court ordered Dorado released on a \$25,000 unsecured bond signed by a surety.

The parties are continuing to engage in discussions about a pre-Indictment resolution to this matter, and the government has produced some initial discovery to the defendant.

Therefore, the parties hereby stipulate and agree that:

1. The time between August 28, 2020 and September 11, 2020, should be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C.

1 § 3161(b) because failure to exclude time would deny defense counsel the reasonable time
2 necessary for effective preparation, taking into account the exercise of due diligence. *See* 18
3 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served by granting the requested continuance
4 outweigh the best interests of the public and the defendant in a speedy trial and in the prompt
5 disposition of criminal cases. *See id.* § 3161(h)(7)(A).

- 6 2. Taking into account the public interest in the prompt disposition of criminal cases, there is
7 good cause to extend the time limits under Federal Rule of Criminal Procedure 5.1 due to the
8 parties' continuing discussion of a pre-Indictment resolution of this matter. Accordingly, the
9 time limits for conducting a preliminary hearing should be tolled from August 28, 2020
10 through September 11, 2020.

11 IT IS SO STIPULATED.

12
13 DATED: September 2, 2020

Respectfully submitted,

14 DAVID L. ANDERSON
15 United States Attorney

16 /s/
17 _____
 DANIEL PASTOR
 Assistant United States Attorney

18 DATED: September 2, 2020

19 /s/
20 _____
 BRUCE FUNK
 Counsel for Defendant Alejandro Dorado

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the time period from August 28, 2020 through September 11, 2020, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). In addition, there is good cause to extend the time limits for the preliminary hearing under Federal Rule of Criminal Procedure 5.1 through September 11, 2020.

The Court finds that exclusion from the time limits applicable under 18 U.S.C. § 3161 (the Speedy Trial Act) and for the preliminary hearing under Federal Rule of Criminal Procedure 5.1 for the period from August 28, 2020, through September 11, 2020, is warranted because the parties are engaged in discussions regarding a pre-Indictment resolution. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b). 18 U.S.C. § 3161(h)(7)(A). A failure to grant the requested exclusion and continuance would also unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 3, 2020


HON. SALLIE KIM
United States Magistrate Judge